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Port of London Authority Response (DC 808) Plan ref: 20221064 Northfleet Harbourside Development

Dear Genna

Thank you for consulting the Port of London Authority (PLA) on the above mentioned application for the mixed use development on land Surrounding Ebbsfleet United Football Club, bounded by Lower Road, Railway Line, Grove Road and the River Thames at 'Northfleet Harbourside', Gravesend. I have now had the opportunity to review the submitted documents and can confirm the PLA **strongly objects** to the application and have the following comments to make.

There is strong policy support at national, regional and local levels for the use of the Thames for freight movement which recognises the importance of maintaining and improving exit and entry points to the river to enable freight and cargo transport. The proposed development site encompasses the Safeguarded Robins Wharf, identified as site G in the adopted Kent Minerals and Waste Local Plan 2013-30 (KMWLP) (2020) and safeguarded through policy CSM 6 (Safeguarded Wharves and Rail Depots). Policy CSM6 specifically states:

"Planning permission will not be granted for non-minerals development that may unacceptably adversely affect the operation of existing, planned or potential sites, such that their capacity or viability for minerals transportation purposes may be compromised.".

The KMWLP also safeguards other infrastructure associated with minerals such as sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate materials through policy CSM 7 (Safeguarding Other Mineral Plant Infrastructure) which states:

"facilities for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material in Kent are safeguarded for their on-going use. Where these facilities are situated within a host quarry, wharf or rail depot facility they are safeguarded for the life of the host site".

Robins wharf is operational over 24 hours a day throughout the year in line with tidal movements, and is in use by two operators, Brett Aggregates and Aggregate Industries, who perform a vital function in the region particularly for the house building industry. The PLA understand the wharf operators have no plans to vacate the site and are committed to the long-term operation of the wharf and associated plant. This is welcomed by the PLA whom in 2022 published the Tidal Thames 2050 plan, based around three key themes 'Trading Thames', 'Destination Thames' and 'Natural Thames'. As part of the Trading Thames theme forecasts show that between now and 2050, trade in the UK's biggest port will continue to rise to meet growing demand, from 50 million tonnes annually to 70-80 million tonnes which highlights the vital need to protect and enhance existing entry points to/from the Tidal Thames.

The safeguarded Robins wharf therefore performs an essential function by taking vehicle movements off roads and onto the river with associated emissions savings and environmental benefits and is essential for the ensuring steady and adequate supply of minerals and minerals related products into/out of Kent by providing a long-term secure source of marine dredged material that is not depleting at the same speed as land won material. The PLA therefore strongly objects to the proposed loss of this important safeguarded site and it is not considered that justification has been provided within the application for its potential loss.

In addition, Robins Wharf is also safeguarded via the Gravesham Local Plan policies map, and associated policy CS07 (Economy, Employment and Skills) of the Local Plan (2014) which specifically states that the loss of existing commercial wharves shown on the Policies Map and other land-side supporting infrastructure will not be supported unless a study and supporting evidence shows that they are no longer viable for marine related employment purposes or are incapable of being made so at reasonable cost. This has not been provided as part of the application.

As noted in the PLAs response to the scoping report application, it is very disappointing that the applicant has made no substantial contact with wharf operators or the PLA. This is particularly disappointing as the

applicant states in the submitted planning statement that extensive pre-application consultation has been undertaken.

National Policy Context:

- **National Planning Policy Framework ('NPPF') (2021)**

It is essential to note that within the NPPF, in the context of 'Facilitating the sustainable use of minerals', paragraph 209 states that:

"It is essential that there is sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs."

Furthermore paragraph 210 (e) states that planning policies should:

"safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material."

This highlights the vital need for the continued safeguarding of wharves such as Robins Wharf, as well as the mineral related operations which they support.

Regional Policy Context:

- **Kent Minerals and Waste Local Plan 2013-30 (KMWLP)**

In addition to the policies highlighted above, within the application documents the applicant has stated that they have considered the proposals against policy DM8 (Safeguarding Minerals Management, Transportation Production & Waste Management Facilities) of the KMWLP, pointing out that only one of the criteria of the policy has to be complied with. Within the application documents the criteria the applicant has proposed to use are criterion 6 and 7 which state:

"vi: material considerations indicate that the need for development overrides the presumption for safeguarding

Vii: "It has been demonstrated that the capacity of the facility to be lost is not required."

The Planning Statement then makes a case for the 'need' for the development in context of economic, social, and environmental need and the resulting benefits of the proposals in this context. The conclusion of the submitted planning statement in paragraph 5.70 is that:

"Consideration was given as to whether it would be possible to remove the safeguarded wharf from the application site. This has not been possible, partly due to the financial viability of the Proposed Development, but also because (as is recognised by the Council's Opportunity Area policy) a piecemeal approach would not deliver the significant change envisioned for the area, nor the significant benefits attributable to the development as is proposed."

However no evidence is provided within the application to support this conclusion. Significant land is being brought forward for development around the Ebbsfleet Football club and the 'need' to include Robins Wharf within that land given the strategic function it serves has not been justified. Furthermore the PLA consider that the Local Plan is also clear that there is no requirement for the loss of the safeguarded wharf in order to achieve successful development in this area.

With regard to the KMWLP itself, this underwent an early partial review in 2020. The report into the Early Partial Review of the KMWLP (dated 23 April 2020) is clear in terms of the capacity that exists at the wharves but there is no suggestion that this correlates with the potential for any of the safeguarded wharves in Kent to be lost. Rather, the report highlights that this identified capacity allows for greater importation via the wharves, and that this flexibility is required to meet a predicted shortfall in land-won material to ensure a steady and adequate supply of aggregates in accordance with the NPPF.

Furthermore the KMWLP is currently in an early stage of review with a Regulation 18 consultation having recently been completed in December 2022. From this it is important to highlight that the draft plan does not propose any change to the status of Robins Wharf site from that in the existing adopted KMWLP.

- **KMWLP: Safeguarding Supplementary Planning Document (SPD) (2021)**

In 2021 Kent County Council adopted the Safeguarding SPD which provides guidance on how the policies on mineral and waste infrastructure safeguarding as set out in the KMWLP will be implemented in Kent. The SPD highlights the importance of the role mineral infrastructure sites have in the supply of construction materials and role they play in achieving successful economic development should be a key consideration in terms of whether need for the proposed development overrides the presumption for safeguarding.

The PLA consider that the existing infrastructure at the safeguarded Robins Wharf is essential for the transport of minerals into Kent as well as for the processing and manufacture of mineral products in a

sustainable way through the use of the Tidal Thames and the applicant has not addressed the detailed guidance contained in the SPD within the submitted Minerals Impact Assessment (MIA). Further consideration on this must be provided by the applicant.

- **Marine Management Organisation (MMO): South East Marine Plan (2021)**

The proposals are also contrary to policy SE-INF-2 (Infrastructure) of the MMOs South East Marine Plan (2021) which specifically states that proposals for alternative development at existing safeguarded landing facilities will not be supported due to the critical need for the continued operation of these vital existing landing facilities, noting that wharves along the Tidal Thames land more than half of all English landings of marine sand and gravel. This has not been referred to as part of this application.

Local Planning Context

- **Gravesham Local Plan (2014)**

Within the adopted Gravesham Local Plan the importance of the boroughs safeguarded wharves is identified through the spatial vision which states that:

"As a minimum, the capacity of commercial wharves and other sites needed to support the River Thames as a working waterway will have been retained"

Furthermore strategic objective 18 also specifically states:

"As a minimum, safeguard the capacity of commercial wharves and other sites needed to support the River Thames as a working waterway".

The development site itself is also not identified as a 'key site' for development; the site is however contained within two sub areas as identified in figure 4 of the Local Plan and described within associated policy CS03 (Northfleet Embankment and Swanscombe Peninsula East Opportunity Area). The two sub areas are described as follows:

- Swanscombe Peninsula East Riverside Industrial Area (sub-area 1.2)

For this sub-area the Local Plan states that this will remain in active employment uses over the plan period and that the retention and expansion of industrial and port related employment in this area will be supported. Policy CS03 also specifically states that the Swanscombe Peninsula East Riverside Industrial Area will be retained in employment use and proposals which expand and support their operation.

- Grove Road and Lower Ebbsfleet Area (sub-area 1.3).

The other part of the site, which includes the safeguarded Robins Wharf, is contained within this sub-area. Here it is stated that part of the area has the potential for residentially-led regeneration to complement the proposal to extend the existing residential development in sub-area 1.4 to the east. The area considered appropriate for this residential led regeneration is identified as a key site and does not include Robins Wharf or any other part of the proposed development site. Policy CS03 also specifically states that the Council will support the regeneration for residential and employment uses of the Grove Road and Lower Ebbsfleet Area taking into account the ground conditions and existing uses. Given elsewhere within the Local Plan in policy CS07 (Economy, Employment and Skills) the council specifically states that the loss of existing commercial wharves shown on the Policies Map and other land-side supporting infrastructure will not be supported, and the fact that all other safeguarded wharves are contained in opportunity areas but are not highlighted for redevelopment it is clear the redevelopment of Robins wharf is not considered appropriate in the Local Plan.

The supporting text in paragraph 4.4.6 also identifies existing uses as a constraint in the area and states:

"development of sites on a piecemeal basis is likely to be constrained by the proximity of poor neighbours (including importation and processing of minerals at Robins Wharf)".

The applicants have stated that piecemeal development is unlikely to be successful and therefore a masterplan approach is required which would include the safeguarded wharf. The PLA consider that the Local Plan is clear in that there is no direct expectation in policy CS03 or supporting text that the wharf would need to be lost in order to achieve successful development, rather the Local Plan is clear that the boroughs safeguarded wharves should be protected and nearby development must take the wharf into consideration, which would be in line with the Agent of Change principle, referenced in paragraph 187 of the NPPF. This is emphasised in supporting paragraph 4.3.10 specifically with regard to the opportunity areas which border the River Thames, where it is stated that there will be a need to

"Safeguard the capacity of commercial wharves and other sites needed to support the River Thames as a working waterway"

This has not been highlighted at all by the applicant in the planning submission and justification has not been provided to override the strong safeguarding policies for the wharf.

As noted above Robins Wharf is safeguarded via the Gravesham Local Plan policies map, and associated policy CS07 of the Local Plan which specifically states that the loss of existing commercial wharves shown will not be supported unless a study and supporting evidence shows that they are no longer viable for marine

related employment purposes or are incapable of being made so at reasonable cost. Within the application documents the applicants acknowledge that they cannot comply with the first part of the Policy. Robins Wharf, as described above is a viable active wharf and in respect of identifying appropriate alternative provision that is available as required by Policy CS07 the MIA does not do this and is clear that its scope does not extend to locating replacement sites. The MIA instead states in very broad terms that there is capacity across all the wharves in Kent, discounting the different market areas that these serve concluding that:

"…it is expected that the loss of the individual site capacity of Robins Wharf can be accommodated by the other safeguarded facilities within close proximity".

This fails to identify if appropriate alternative provision is available in line with policy CS07. This is emphasised by the fact that surrounding safeguarded wharves in the north west Kent area identified in the KMWLP are all operational under various operators and other than one site (Site Q: Old Sun Wharf) all utilise the River Thames as part of their operations. It is not the case that the operators at Robins Wharf could just vacate the wharf and continue works at another site in close proximity. Therefore it is clear that the MIA has not met the requirement to deal with 'the area' the existing infrastructure serves, rather it deals in general terms with capacity across the entirety of the Kent region and does not evidence that the capacity to be lost is insignificant both in terms of quantities and geographical positioning in the area. This also fails to recognise the scale of the Kent market area and the strategic location of Robins Wharf, and the impact its potential loss would be for this market area.

The proposed development is also contrary to policy CS07 through supporting paragraphs 5.1.20 and 5.1.21 which state that in considering the future of existing employment sites, and until a Site Allocations and Development Management Policies DPD is secured, a criteria based approach using market testing will be applied to assessing whether sites should be released to alternative uses. Paragraph 5.1.21 goes on to state that a similar approach is adopted to marine related uses, such as commercial wharves and land-side support infrastructure, particularly given the potential for such sites to be lost to higher value uses taking advantage of attractive riverside locations which appears to be the case here.

Detailed Comments

- **Planning Statement & Minerals Impact Assessment. (MIA)**

The submitted Planning Statement and MIA both attempt to justify the proposed loss of the safeguarded Robins Wharf, and seek to demonstrate the overall benefits of the development. However there has been no evidence provided to demonstrate why these benefits could not be achieved without the loss of Robins Wharf.

Within the submitted MIA, the applicant has quoted Kent County Councils Local Aggregate Assessment 2021, (LAA). Kent County Council has also recently published the 2022 LAA which makes clear in paragraph 7.27 that the loss of any wharf site will be, largely, irreplaceable and that the safeguarding of the existing wharf infrastructure will remain a central requirement to maintain supply as the landwon sand and gravel sector eventually becomes irrelevant which highlights the strategic importance of Robins Wharf for the importation of marine dredged material to ensure the future security of supply for Kent and the wider south east.

As part of this another factor to bear in mind is that a number of wharves are designed for specific operations or commodities whereas others are available to handle multiple commodities. Moving a wharf from dealing with a specialist commodity to general handling if that specialism ceases, may require a level of investment that makes its reuse, for what are intrinsically low value commodities unviable. This has also not been considered within the application.

Within the application, the applicant has included a table on wharf characteristics and capacity in proximity to the Robins Wharf and states in paragraph 2.4 that all wharves in proximity to Robins Wharf have similar characteristics in terms of the number of available berths and that Robins Wharf is one of only two wharves with a length of 100m, the other wharves range in length from 149m to 298m. Firstly to highlight that according to table one Robins Wharf is one of three wharves (out of eight in total assessed) with a length of 100m with the other two (Northfleet Wharf and Clubbs Marine Terminal) also located in the Northfleet area. A 100m berth itself is also very good in navigational terms for barges, and there are very few wharves in the south east area on the Tidal Thames that have a berth greater than 150m. In addition over the last 12 months there have been 84 vessel arrivals at the wharf, the largest being 6.8m draught and 105.9m LOA, a high level which emphasises the key location of this site. Another key benefit of the location of this wharf is that it is situated in a cluster of safeguarded wharves which allows for a continued successful industrial and cargo-handling 'core' for the borough where similar uses are located together, with associated benefits in terms of access and being a clear location where noise sensitive developments would need to take full account of existing operations, in line with the Agent of Change principle.

In addition, paragraph 2.8 of the MIA states that the total capacity for aggregate importation per annum according to figures reported in the 2021 LAA was 5.6 million tonnes with a theoretical capacity of 7.3 million tonnes. Therefore 'at present', the LAA reports wharves to be operating at 54% capacity. This is incorrect as more recent figures, obtained through the 2022 LAA which uses data from 2021 states that at present the total Kent wharf capacity is 6.34 million tonnes per annum (mtpa) which results in an operational capacity of 61%, a significance increase from what is currently included in the MIA.

- **Phasing**:

Notwithstanding the PLA's objection to the loss of the safeguarded wharf the following additional comments are raised with regard to phasing. Robins Wharf is located within phase 2 of the proposed development and page 22 of the Planning Statement, by reference to the Parameter Plan Phases, confirms that:

"the existing uses located within the Phase 2 area will remain operational whilst Phase 1 is built out, the road realignment works will be carried out within Phase 1 prior to the closure of the current A226. The existing wharf areas within Phase 1 will be utilised as construction compounds during construction works associated with that Phase"

It is therefore not clear from this if wharf operations are envisaged to continue whilst phase 1 works progress or not. Given references are made both to 'existing' uses continuing and use being made of the wharf area as a construction compound this must be confirmed. If there is any prospect that wharf could continue in operation whilst phase 1 is under construction then it is key that appropriate road access is maintained during this period in line with policy DM8 of the KMWLP which states that vehicle access to and from the safeguarded wharf would not be constrained by the proposed development.

In addition, if there is a likelihood that phase 1 can progress without phase 2 then regard must be given to ensuring that the interrelationship between the phase 1 development and retained operations at the safeguarded Robins Wharf are fully assessed and if required mitigated against. This is to ensure that the proposals do not prejudice the future operation of the wharf as required by NPPF, KMWLP and the Local Plan particularly to demonstrate that all impacts including noise, dust, light and air emissions, that may arise from the activities taking place at Robins Wharf as well as the adjacent safeguarded Tower Wharf, which is part of the Seacon Terminal would not be experienced to an unacceptable level by future occupants, in line with the Agent of Change principle.

If Phase 1 can progress without Phase 2 then it would appear that viability is potentially not a significant constraint as suggested by the applicant and Robins Wharf should be removed from the development area. As noted above this highlights how it has not been demonstrated why the development cannot go ahead without the wharf being included in the application. In broader terms it is also noted that despite local need the proposal makes very limited contribution in terms of affordable housing. This should also be considered in the balance together with the extent to which a new stadium to house the football club amounts to the material considerations necessary to justify why this proposed development overrides the presumption and very strong policy support for wharf safeguarding, particularly where no robust evidence has been provided as to why the wharf site cannot be omitted.

Conclusion:

A significant amount of land is being brought forward for development around the Ebbsfleet Football club area and the PLA consider that the 'need' to include the safeguarded Robins Wharf within that land given the strategic function it serves has not been justified within the application.

The Gravesham Local Plan is clear that there is no direct expectation in policy CS03 or the supporting text that the wharf would need to be lost in order to achieve successful development in the area. The Local Plan instead is clear that the boroughs safeguarded wharves should be protected and nearby development must take any nearby safeguarded wharves into consideration. In addition, as highlighted above just because there is capacity across the entirety of Kent's existing safeguarded this does not mean that that means existing and operational wharf capacity can be lost. In fact as identified in the KMWLP and LAA existing wharf operations are irreplaceable and wharf capacity will become increasingly important due to diminishing land-won reserves over the plan period. The loss of any wharf site will be extremely detrimental to the region and existing capacity needs to be maintained for the future and is why the PLA objects to the proposed development.

Furthermore, no consideration has been provided within the application documents on neighbouring wharves and the potential for them to make up for the facility proposed to be lost at Robins Wharf, or any understanding provided of the geographical area that the wharf and its associated infrastructure serves. Therefore the balance of the 'benefits' offered by the proposed development and the extent to which it may override safeguarding requirements have not been addressed and further justification must be provided by the applicant. The PLA at this stage consider that the proposed use of criterion 6 or the implied use of criterion 7 of policy DM8 of the KMWLP has not been justified and the development is contrary to policy CS07 of the Local Plan.

There does not appear to be any realistic options for the current wharf operators in terms of alternative wharves they could reasonably operate from and therefore the loss of Robins Wharf would have significant implications in the context of mineral supply and supply of mineral products for Gravesham and the wider area both now and into the future. As part of this the PLA are aware that the wharf operators at Robins Wharf are preparing further information for submission to the Local Authority. This is to assist in considering the important function that Robins Wharf currently serves in terms of mineral supply and supply of mineral products the area it serves, and the specific logistical and locational benefits it offers, as well the likelihood that this could reasonably be accommodated elsewhere within the area. The operators and PLA would also be keen to engage further with the applicants and would welcome responses on the issues raised in this objection.

I hope these comments are of assistance

Yours Sincerely

Michael Atkins

Senior Planner

Port of London Authority